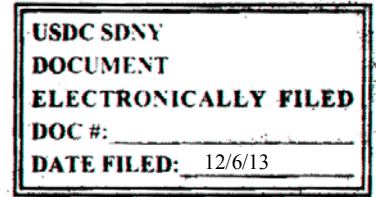


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
:
ABAS BEHZADI and ASGHAR BERENJIAN, :
doing business as BEHZADI & BRENJIAN :
CARPET :
:
Plaintiffs, :
:
-against- :
:
DAVID & SON ORIENTAL ANTIQUE RUGS :
CORPORATION and DAVID SHADAN, X
:
Defendants.

07 Civ. 07073 (LGS) (FM)

MEMORANDUM AND
ORDER

LORNA G. SCHOFIELD, District Judge:

Before the Court is the Report and Recommendation of Magistrate Judge Maas (Dkt. No. 154) (“Report”), recommending that “the Plaintiffs be awarded damages in the amount of \$505,121.07, plus prejudgment interest at the rate of \$124.55 per day from October 13, 2003 through the date the judgment is entered, and costs in the amount of \$4,502.53.” (Report at 10). For the reasons stated below, the Court adopts the Report in its entirety.

This is a breach of contract case in which Plaintiffs seek to recover the balance owed to them for rugs they sold to Defendants. On June 18, 2012, the case against Defendant David Shadan was stayed when he filed for bankruptcy protection (Dkt. No. 145). On June 19, 2012, the Court directed that a default judgment be entered against Defendant David & Son Oriental Antique Rugs Corporation in an amount to be determined by inquest and referred the case to Magistrate Judge Maas to conduct the inquest (Dkt. Nos. 146-147). Judge Maas issued the report on October 31, 2013. No objection to the report was filed.

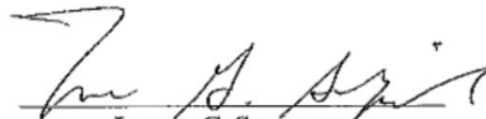
A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate

judge.” 28 U.S.C. § 636(b)(1)(C). The district court “may adopt those portions of the report to which no specific, written objection is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law.” *Adams v. New York State Dep’t of Educ.*, 855 F. Supp. 2d 205, 206 (S.D.N.Y. 2012) (internal quotation marks omitted) (citing Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

Having reviewed the Report, the Court finds that the factual and legal bases underlying the Report are not clearly erroneous or contrary to law. Accordingly, the Court ADOPTS the Report in its entirety as the decision of the Court. Judgment is hereby entered for the Plaintiffs against Defendant David & Son Oriental Antique Rugs Corporation in the amount of \$505,121.07, plus prejudgment interest at the rate of \$124.55 per day from October 13, 2003 through the date the judgment is entered, and costs in the amount of \$4,502.53. The Clerk is directed to terminate the motion at Docket No. 151.

SO ORDERED.

Dated: December 6, 2013
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE